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14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
16 EASTERN DIVISION
17

18 CHERISE TOUHEY, on behalf) Case No. EDCV 08-1418-VAP(RCx)
of herself and all others)
19 similarly situated,) **STIPULATED PRIVACY ACT**
) **PROTECTIVE ORDER**
20 Plaintiffs,)
)
21 v.)
)
22 UNITED STATES OF AMERICA)
and MICHAEL B. MUKASEY, in)
23 his official capacity as)
United States Attorney)
24 General,)
)
25 Defendants.)
)
26 _____)
27
28

1 Pursuant to the stipulation and request of the parties, and
2 good cause appearing therefor, IT IS HEREBY ORDERED that:

3 1. For purposes of this Order, terms used herein that are
4 defined in the settlement agreement entered in this action and
5 preliminarily approved by the court shall have the meanings given
6 in the settlement agreement.

7 2. Pursuant to 5 U.S.C. § 552a(b)(11), defendants are hereby
8 authorized to release to class counsel, claims administrators,
9 persons retained by defendants ("defendant-retained contractors")
10 to assist defendants in the performance of their duties under the
11 settlement agreement and, if applicable, the court (a) information
12 relating to the return to claimants of currency seized by
13 defendants and (b) information contained in their files pertaining
14 to the seizures, without obtaining the prior written consent of the
15 individuals to whom such information pertains. Such information
16 includes all records which identify claimants by name, social
17 security number, taxpayer identification number, address or any
18 other identifying particular. The records and all information
19 derived therefrom may be used only for purposes relating to the
20 implementation and administration of the settlement, which purposes
21 include communicating with claimants regarding issues directly
22 related to their claims in this litigation; obtaining claimants
23 addresses in order to provide notice; determining whether
24 individual persons or entities are entitled to a monetary payment
25 pursuant to the settlement; adjudicating appeals to claims
26 administrators that may be brought pursuant to the terms of the
27 settlement agreement; causing payment to be made and accompanying
28 tax documentation to be provided in payment of claims pursuant to

1 the settlement; and submitting reports pursuant to the terms of the
2 settlement agreement.

3 3. The information disclosed pursuant to this order shall be
4 stamped or otherwise identified as being "CONFIDENTIAL." Under no
5 circumstances may any government records or any information derived
6 therefrom that are disclosed pursuant to this Order be used for any
7 purpose, either directly or indirectly, not relating to the
8 implementation and administration of the settlement.

9 4. Except as provided in paragraphs 5 and 6 below, records
10 and information produced pursuant to this order may be disclosed by
11 claims administrators only to persons regularly in the employ of
12 such persons or entities, or to independent contractors retained by
13 such persons or entities, who have a need for the information in
14 the performance of their specified duties relating to the
15 implementation and administration of the settlement. All
16 individuals obtaining access to the records produced pursuant to
17 this order shall be required to sign the attached acknowledgment
18 form indicating that they have read and agree to abide by the terms
19 of this order. Such acknowledgment forms shall be retained by
20 claims administrators and shall be made available to defendants
21 upon request.

22 5. In connection with any decisions they render on any
23 claims or appeals they receive pursuant to the settlement,
24 designated government officials and claims administrators are
25 authorized to include in the written decisions any information
26 derived from records released pursuant to this Order. Designated
27 government officials and claims administrators may issue such
28 decisions to the claimant to whom it pertains, defendants or class

1 counsel as appropriate, and the court, when appropriate.

2 6. Designated government officials, claims administrators
3 and defendant-retained contractors are authorized to include in any
4 reports or tabulations that are required to be made in accordance
5 with the terms and conditions of the settlement, information
6 derived from records to be released pursuant to this order. Such
7 reports or tabulations cannot be released or disseminated except as
8 provided in the settlement.

9 7. Any filings with the court that contain Privacy Act
10 information produced pursuant to this Order, i.e., information that
11 identifies claimants by name, social security number or other
12 identifying particular, shall not be made unless the party seeking
13 to file the information complies with Local Rule 79-5 pertaining to
14 filing material under seal.

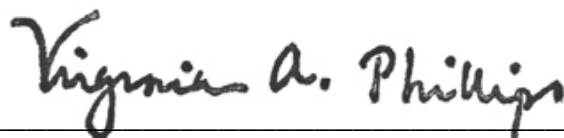
15 8. All records and information that are disclosed pursuant
16 to this Order to persons or entities outside of the government must
17 be returned by such persons or entities to defendants, or
18 destroyed, no later than two (2) years after Final Approval. Also,
19 any records created by persons or entities outside of the
20 government that contain information derived from records or
21 information produced pursuant to this Order must be returned to
22 defendants, or destroyed, no later than two (2) years after
23 completion by the person or entity of all responsibilities imposed
24 upon it by the settlement or law. Should class counsel or claims
25 administrators elect to destroy the records rather than return
26 them, such persons or entities shall certify in writing to

27 / / /

28 / / /

defendants that all such records and copies thereof have been
destroyed.

DATED: February 3, 2011



THE HONORABLE VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE

Presented by:

LAW OFFICES OF ERIC S. HONIG

/s/ Eric S. Honig
ERIC S. HONIG

Attorneys for Plaintiffs
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of herself and all others
similarly situated

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/s/ Victor A. Rodgers
VICTOR A. RODGERS
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Attorneys for Defendants
UNITED STATES OF AMERICA and
MICHAEL B. MUKASEY, in his official
capacity as United States Attorney
General

ACKNOWLEDGMENT

I, _____, hereby acknowledge that I have read and understand the Stipulated Privacy Act Protective Order entered in Touhey, et al. v. United States, et al., Case No. EDCV 08-1418-VAP(RCx), a copy of which is attached hereto. I hereby agree to be bound by the terms of the Order and to use the records and information that are subject to the Order only for purposes of the implementation and administration of the settlement that has been entered into in the Touhey lawsuit, and not for any other purpose. I additionally agree that my duties under this acknowledgment shall survive the resolution of all claims in the Touhey lawsuit and are binding upon me for all time.

DATED: _____

NAME (Print or type)

SIGNATURE